

# PETITION.

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To the Honorable the Legislative Assembly of the Province of Canada, in Provincial Parliament Assembled.

THE HUMBLE PETITION OF JOHN MONTGOMERY, OF THE CITY OF TORONTO, INNKEEPER, SHEWETH,—

That your Petitioner, in December 1837, was the owner of a lot of land in the Township of York, on which he had, at great expense, erected a very large Hotel, and numerous and substantial out-buildings.

That in July, of the same year, he let said Hotel to John Linfoot, for a term of years.

That, on December the fourth, a large body of armed men took forcible possession of the hotel and out buildings, then being in the occupation of Linfoot, and continued to hold possession thereof until the seventh day of the same month, when they were attacked by Her Majesty's forces, under the direction of Sir Francis Bond Head, then Lieutenant Governor, and driven away.

That Her Majesty's forces thereupon took possession of the hotel of your Petitioner, and immediately set fire to and burned the same, with the out-buildings, to the ground.

That a large quantity of furniture and other property of Petitioner, then stored in the hotel and out-buildings, were at the same time consumed.

That Petitioner was then boarding in the said hotel, with his family, until he could complete a dwelling-house, which was then being erected, and to which, shortly, he was to remove.

That, after the defeat and dispersion of said armed party, by Her Majesty's forces, and after the persons composing the same had either been taken prisoners or fled to the United States, your Petitioner was arrested and thrown into gaol, on the accusation of having aided and abetted the said party in their unlawful objects.

That Petitioner was brought to trial before a Court composed of persons of strong partizan feelings, hostile to him, and which were highly excited and influenced by the events that had then recently occurred; and in the absence of numerous witnesses, some being in prison and others abroad, who could have proved his innocence; and upon very loose and illegal evidence, given by persons of little character or credibility, Petitioner was found guilty.

Your Petitioner solemnly avers, and by the return of many persons then cognizant of Petitioner's actions, he is in a position to prove that he did not aid or encourage the said armed party, or take part in the unlawful acts. He had for many years been an ardent Reformer, and assisted by all constitutional means to redress the grievances under which his country groaned; but he denies that he ever violated the law as charged, but not legally proved, against him; so far from aiding or encouraging the said armed party in their illegal proceedings, he strongly remonstrated against their occupation of his premises, and advised all those with whom he could venture to speak, to give up their unlawful purpose and return to their homes, many of whom, as Petitioner can prove, acted upon his advice.

That the Honorable Francis Hincks, M. P., recently Inspector General, and at the head of the Government, and who was then residing in Toronto, stated, in the "Pilot," of October the eleventh, 1845, then published by him at Montreal, that, "of all men in Canada, Mr. Montgomery is the last who should be exposed to political prosecution, his sufferings have been enough, one would suppose, to extinguish the hatred even of the most revengeful. At the time of the rebellion, his large tavern was deliberately and most wantonly burned to the ground, by which act he was subjected to a loss of about ten thousand dollars—suffered long imprisonment—broke his leg—experienced great domestic affliction—many years of exile, and is broken down in health and in circumstances." Mr. Papineau was paid his arrears of salary, and your Petitioner's property was wantonly burned by those who should have protected it from injury.

Your Petitioner, previous to the forcible occupation and unnecessary destruction of his premises by Her Majesty's forces, was in comfortable circumstances, and hoped for the remainder of his life to enjoy, in the bosom of his family, and under the protection of the law, the fruits of his many years' labour; but without any cause or wilful default on his part, he was suddenly deprived of a large part of his property through the act of the then authorities of Upper Canada, accused of treason, and unjustly convicted by a partizan tribunal, upon partial and illegal evidence, which he was then unable to rebut, by reason of the absence of numerous witnesses who could and would have proved his entire innocence.

That, through these wrongs and misfortunes, your Petitioner has been reduced to a state of poverty, his family broken up, his health destroyed, and in his old age he will be left dependant for his support on the charitable dispositions of others.



That, in Lower Canada, in very many instances that can be cited, the Government have come to the relief of parties who had proved that their property was destroyed by the militia volunteers, or regular forces in 1837 and 1838, and that in his case there was not the slightest necessity of the wanton destruction of his property on Yonge Street, for the armed party had been all driven off and retreated before the order was given to burn his hotel, barns and outbuildings, and furniture, which were entitled to protection as well on his own and his family's account, as on account of those who had given him credit in their mutual dealings.

Your Petitioner has humbly appealed to several successive Parliaments, and his Memorials have been printed and distributed among the members, but no Committee has ever inquired into the merits of his case, reported thereon, or taken any step for his relief, or for ascertaining whether he was entitled to relief.

Your Petitioner, therefore, humbly prays your Honorable House to permit him to establish the truth of the matters herein set forth, and that thereupon your Honorable House may grant him such relief in the premises as may appear just.

And Your Petitioner will ever pray.

JOHN MONTGOMERY.

Toronto, Canada West, 15th February, 1855.

1st Session, 5th Parliament, 18 Victoria, 1855.

## PETITION

Of John Montgomery, of the City of Toronto, Innkeeper, alleging that the Queen's forces took possession of his extensive Hotel and Offices on Yonge Street, near Toronto, on December 7, 1837, and burned them to the ground,—and praying for remuneration of losses thereby sustained.

(*Mr. Mackenzie.*)

*Ordered, by The LEGISLATIVE ASSEMBLY, to be  
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